

MINUTES
May 26, 2009

The regular meeting of the Board of Sewer Commissioners was called to order at 7:00 PM by Elaine Fiore. Members in attendance were Elaine Fiore and Peter Cobb. Mr. Taylor was unable to attend because of an appointment with the Selectmen tonight.

Department bills were signed totaling \$1724.48. Letters written to sewer customers, reminding them that they need to complete connections, were signed by the Board.

Town Counsel, Jay Talerma was in attendance to discuss a number of matters with the Sewer Commission. Attorney Talerma briefly reviewed that the Article proposed for the Special Town Meeting on June 2, 2009, to allocate funds for the plant expansion, had not been written with the correct terminology. The Article will have to wait until a Special Town Meeting in the fall.

Tom Morgan, of CDM was present to review a new contract with CDM for work associated with the expansion of the Wastewater Treatment Facility. The Board also wanted to discuss some sewer connection questions.

Ms. Fiore discussed the sewer lateral for 163 Summer Street. The chimney was brought up too high and the current lateral does not allow the building to be connected by gravity. Mr. Vandal stated that it needs to be lowered by at least 2 feet. He has been given 2 estimates for correcting the elevation and they are both in the \$20,000 to \$24,000 range. The stub was left in Route 3A. The proposal to correct the problem would be to go into Tremont Street about 10 to 15 feet back from Route 3A. The excavation would have to be about 15 to 17 feet deep. They would have to cross an AC water line, a gas line and drainage pipes. The property owner does not want a pump. Mr. Vandal said that he agrees that the lateral should have been installed such that the connection could be made by gravity. The problem with going into Route 3A is that the sewer main is on the far side of the roadway and it would mean closing down Route 3A, a Mass. Highway permit, and redoing all of the traffic loops again. Mr. Morgan said that he would look into it and asked that an inspection of the building be done to see if the waste pipe coming out of the building can be raised up. Mr. Cobb and Mr. Vandal did not think this would be an option as it appears there are basement apartments in the building.

The Board discussed that the lateral for 36 Crescent Street was left on property that goes with the house next to 36 Crescent Street, 34 Crescent Street. The lateral is about 45 feet from the Howland's Lane end of Crescent Street. The house will need a pump to connect but it looks like in order to make the connection to the existing lateral that a small easement might be needed from 34 Crescent Street. Mr. Morgan said that he would look at the drawings for 34 and 36 Crescent Street.

The Sewer Commission reviewed a revised CDM contract for design work that will be done for the plant expansion. Ms. Fiore and Mr. Cobb determined that all of the requested changes had been made.

MOTION, by Peter Cobb, seconded by Elaine Fiore, to accept and approve the CDM contract for the plant expansion, dated May 26, 2009, as written. The motion was so voted and the contract was signed.

Mark Guidoboni attended to offer the use of some land adjacent to the MBTA line to the Sewer Commission as a possible leaching area for the plant expansion. The land is behind Copper Beach Drive and would require an easement across the O'Donnell property in order to access it. There is a total of approximately 9 acres of land, owned by Mr. Guidoboni, the Town, and a third party. Mr. Guidoboni said he had some plans he could provide to the Board if they felt it might be a viable option. The Board thanked Mr. Guidoboni for bringing this to their attention and said they would look into this matter. An appointment was set for June 16, 2009, at 7:00 PM to discuss this further.

Ms. Fiore asked Attorney Taleran about the proper process for collecting delinquent sewer charges. Attorney Taleran stated the Town had accepted and recorded Chapters 16 A through F. Charges should automatically become a lien and show up on an MLC. This takes effect on the day after a payment is due and has not been paid. Delinquent charges should get added to the property tax bill annually (after 12 months of going unpaid). Charges can be collected through a shut off of the sewer connection as well.

Ms. Fiore stated that the Collector has been setting up payment plans with sewer customers without consulting with the Sewer Commission. Attorney Taleran stated that when charges originate with the Sewer Commission that unpaid charges should be put into tax title. It seems a uniform method needs to be established to get the accounts into tax title. He asked how the Sewer Commission knows what accounts are delinquent. Ms. Fiore said that the sewer billing records are checked quarterly and letters are sent to the Collector regarding the larger amounts that are unpaid. Attorney Taleran reviewed that Chapters 80 and 83 say that the Sewer Commission can certify delinquent charges to the Assessors for commitment to the tax bill. Accounts would be delinquent for 12 months. Chapter 38A (City or Town) states the Collector shall collect all taxes of the city or town.

1021 Kingston's Place – Ms. Fiore asked Attorney Taleran to review any new agreements that the Sewer Commission drafts with Thorndike Development. Right now it seems that MESA has some issues with rare species habitat areas in the 40R project layout. These habitat areas were recently expanded.

Leaching Field – Discussed the different options for access to potential leaching fields with Attorney Taleran.

Wind Turbine – The application for the Grant states that the Town and the Sewer Commission should provide letters of support for the project but the Sewer Commission has never provided such a letter and has never been consulted about this. Mr. Cobb stated that the Selectmen had voted to approve seeking the additional Grant funding on October 28, 2008. They did not vote to approve the proposed site. If you refer to the Minutes of the meeting it is stated differently, but the recorded version did not reflect that they had approved of the site. Attorney Taleran addressed the liability issues and said that it should be taken care of during the permitting process. The Town will need a separate policy for this project. Ms. Fiore expressed concern with protecting the Wastewater

Enterprise interests at the site. Attorney Talerman said that this should be done through the site approval process. Is this project compatible with the current uses of the site? Mr. Cobb mentioned that in the last application update for approval of the grant money, that the letter submitted indicated that they did not feel that there would be any variances required. This isn't consistent with the by-law but their view is that because it is municipal land and the turbine is a municipal project, that it is exempt from compliance with all of the requirements of the by-law.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to go into Executive Session to discuss ongoing litigation matters. The Board will return to regular session upon its conclusion. A roll call vote was taken resulting in Ms. Fiore and Mr. Cobb voting in favor of the motion.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to conclude the Executive Session and return to regular session. A roll call vote was taken resulting in Ms. Fiore and Mr. Cobb voting in favor of the motion.

The Board approved a form letter to be provided to the Board of Health for 2 lots on Prospect Street stating that they do not have sewer capacity. They also agreed to put the lots on the waiting list for sewer capacity. A lot on Pottle Street will also be added to the waiting list.

MOTION, by Peter Cobb, seconded by Elaine Fiore, to approve the Minutes for April 7, 2009 and May 6, 2009. The motion was so voted.

The Board briefly discussed establishing a Sewer Bank. The Board of Health is allowing septic systems in sewerred areas and they are allowing the use of the systems for 20 years. Should the Sewer Commission establish a Sewer Bank similar to that is use by Plymouth?

MOTION, by Peter Cobb, seconded by Elaine Fiore, to adjourn the meeting at 9:35 PM. The motion was so voted.

Suzanne Richards
Administrative Assistant